

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: <u>7-29-11</u>

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

----- x

<b>UNITED STATES OF AMERICA</b>	:	<b>ORDER</b>
<b>-v.-</b>	:	<b>00 Cr. 121 (PKC)</b>
<b>JULIO NUNEZ,</b>	:	
<b>Defendant.</b>	:	

----- x

WHEREAS, in an Order, dated February 16, 2011, the Court: (a) vacated the Order of this Court, dated August 19, 2005, that imposed a provisional life sentence on Julio Nunez; (b) determined that Mr. Nunez was presently suffering from a mental disease or defect rendering him mentally incompetent to the extent that he was unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense; and (c) ordered that Mr. Nunez be committed to the custody of the Attorney General for hospitalization in order to determine whether there was a substantial probability that in the foreseeable future he would attain the capacity to permit the proceedings to go forward;

WHEREAS, on or about June 28, 2011, the Federal Bureau of Prisons (“BOP”) submitted a letter and a report to the Court concerning the BOP’s evaluation of Mr. Nunez’s mental health; and

WHEREAS, upon review of the BOP’s letter and report, the Court adopts the BOP’s finding that, as summarized in its June 28, 2011 letter: “Mr. Nunez is suffering from a mental disease or defect rendering him mentally incompetent to the extent he is unable to understand the nature and consequences of the proceedings filed against him or assist properly in his own

defense, nor is there a substantial probability that his competency will be restored in the foreseeable future;”

IT IS HEREBY ORDERED that all criminal charges against Julio Nunez in this matter are dismissed solely for reasons related to his mental condition.

SO ORDERED



---

HON. P. KEVIN CASTEL  
U.S.D.J.

Dated: New York, N.Y.  
July 28, 2011